

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2893 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

(No. 1 to 5 NO)

DHANSUKHLAL B SHAH

Versus

STATE OF GUJARAT

Appearance:

MR BP TANNA for Petitioner

M/S MG DOSHIT & CO for Respondent No. 1

CORAM : MR.JUSTICE S.D.DAVE

Date of decision: 28/08/98

ORAL JUDGEMENT

This petition came to be filed by the petitioner

Mr. D.B. Shah. He wanted to have the declaration from this Court that the action of the authorities in not issuing " No Event Certificate " to the petitioner was illegal and erroneous. He also wanted to have a declaration or orders or directions that, no departmental inquiry or departmental proceedings can be initiated

against the petitioner after his effective retirement. He was also praying for the appropriate directions or orders, directing the respondents to stop any such inquiry or departmental proceedings pending against him.

This Court (Coram: A.P. Ravani, J) under the orders dated September 02, 1986, had directed the respondents to determine the amount of provisional pension payable to the petitioner latest before 31st September, 1986. It was also directed that, after determining the amount of provisional pension, the respondents will continue to pay the same regularly to the petitioner, till further orders.

From the record available with the department, Ld. Govt. counsel Ms. Harsha Devani appearing for the respondents, says that, the petitioner has expired on December 25, 1992 and the departmental inquiry and the disciplinary proceedings against him have come to an end. According to Ld. Govt. counsel the entire chapter against him is now closed.

In view of the demise of the petitioner, and in view of close of the entire chapter against him, it is apparent that the prayers which the petitioner was asking from this Court, now would not survive. The petition therefore shall have to be disposed of accordingly.

Any how, as per the orders passed by this Court on September 02, 1986, as indicated above, the heirs & legal representatives of the deceased petitioner shall be entitled to all the benefits, which would have become available to the petitioner after his retirement. If these benefits were not given to the deceased petitioner before his death, the same should be made available to the heirs & legal representatives of the deceased petitioner, upon their making necessary application to the concerned respondent. This should be done as early as possible after the receipt of the application representation coming from the heirs & legal representatives of the deceased.

Present petition stands disposed of with these orders. Rule shall stand discharged. No cost.

/vgn.

